

REMARKS

As explained above, this supplemental amendment is in response to a phone call from the Examiner on January 10, 2008. The Examiner noted that the terminal disclaimer submitted with Applicants' January 3, 2008 filing was not accepted because there was no statement under 37 C.F.R. § 3.73(b). Applicants therefore have submitted another copy of the terminal disclaimer along with a copy of the 3.73(b) statement previously of record in this application (see, Applicants' Response to Missing Parts mailed February 10, 2004). The Examiner also asked that the status identifiers of claims 44 and 59 be changed to "withdrawn-currently amended" in order to reflect the amendments to claims 43 and 58, from which claims 44 and 59 depend, respectively.

Applicants thank the Examiner for the interview on December 27, 2007 in which potential amendments to claims 33 and 48 were discussed.

Claims 33, 35-37, 39, 48, 50-52, 54, 63, 64, 66, and 67 are under examination. Claims 38, 40, 43-45, 53, 55, 58-60, 65, and 68 are currently withdrawn.

With entry of the instant amendment, claims 33 and 48 have been amended to recite that the responder molecule is an enzyme and that the inhibitor is an inhibitor of the enzyme. This amendment adds no new matter. Support can be found, *e.g.*, throughout the application as filed.

Terminal disclaimer

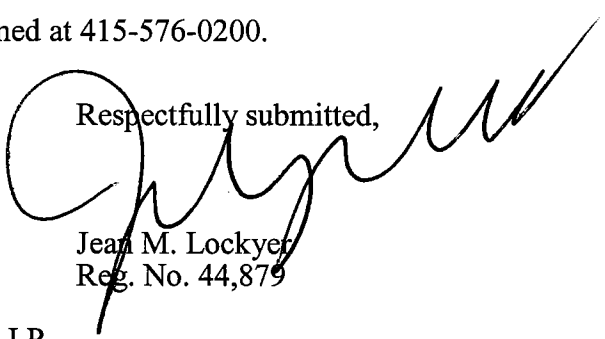
Claims 33, 35-37, 39, 48, 50-52, 54, 63, 64, 66, and 67 are rejected for alleged obviousness-type double patenting over claims 1-20 of co-pending Application No. 10/208,730. Application No. 10/208,730 and the subject application are commonly owned. Applicants submit herewith a terminal disclaimer. The terminal disclaimer disclaims the terminal portion of the term of a patent granted on the instant application over a patent granted on the cited application. Applicants note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. See, MPEP §804.02.

Species election

During the telephone discussion with the Examiner on December 27, 2007, Applicants noted that various claims were withdrawn further to species election requirements. In particular, claims 38, 40, 43-45, 53, 55, and 58-60 were withdrawn pursuant to Applicants' response to a species election requirement that was set forth in the Office Action dated October 5, 2005. In the Office Action mailed April 20, 2007, the Examiner stated that claims 38, 40, 43-45, 53, 55, 58-60, 65 and 68 are withdrawn from consideration as being drawn to nonelected species, there being no allowable generic or linking claims (see, page 3, paragraph 3 of the Office Action). Applicants believe that the current amendments put the generic or linking claims in condition for allowance. Applicants therefore respectfully request rejoinder of withdrawn species claims 33, 38, 40, 43-45; 53, 55, 58-60; and of claims 65 and 68.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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